

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

(1) Hilario Yogey MOTA-BERNABEL, a/k/a
Edgardo Torres-Hernandez, a/k/a Hector Tejeda,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a "E,"

(2) Miki Michael MOTA-BERNABEL a/k/a
Michael Mora, a/k/a Angel Miguel Lara Jake, and

(3) Steven MARSHALL,

Defendants.

) Criminal No. 18cr 10182
) Violations:
)
) 21 U.S.C. § 846 – Conspiracy to
) Distribute and to Possess with Intent to
) Distribute 400 Grams or More of Fentanyl
)
) 21 U.S.C. § 841(a)(1) and (b)(1)(B)(vi) –
) Possession with Intent to Distribute and
) Distribution of 40 Grams or More of
) Fentanyl
)
) 21 U.S.C. § 853 – Drug Forfeiture
) Allegation

INDICTMENT

**COUNT ONE: (Title 21, United States Code, Section 846 – Conspiracy to Possess
with Intent to Distribute and to Distribute 400 Grams or More of
Fentanyl)**

The Grand Jury charges that:

Beginning no later than March 1, 2018 and continuing to on or about April 4, 2018, at
New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a "E,"**

**(2) Miki Michael MOTA-BERNABEL,
a/k/a Michael Mora, a/k/a Angel Miguel Lara Jake,**

and

(3) Steven MARSHALL,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree,
with other persons known and unknown to the Grand Jury, to possess with intent to distribute,
and to distribute, a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-

phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

It is further alleged that the offense charged in Count One involved 400 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(A)(vi) is applicable to this Count.

It is further alleged that, with respect to Count One, 400 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance, is attributable to, and was reasonably foreseeable by, (1) **Hilario Yogey MOTA-BERNABEL, a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda, a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”** and (3) **Steven MARSHALL**. Accordingly, Title 21, United States Code, Section 841(b)(1)(A)(vi) is applicable to (1) **Hilario Yogey MOTA-BERNABEL, a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda, a/k/a Luis Rosa, a/k/a Edgar a/k/a “E,”** and (3) **Steven MARSHALL**.

It is further alleged that, with respect to Count One, 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance, is attributable to, and was reasonably foreseeable by (2) **Miki Michael MOTA-BERNABEL a/k/a Michael Mora, a/k/a Angel Miguel Lara Jake**. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(vi) is applicable to (2) **Miki Michael MOTA-BERNABEL a/k/a Michael Mora, a/k/a Angel Miguel Lara Jake..**

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute and Distribution of 40 Grams or More of Fentanyl; Title 18, United States Code, Section 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about March 1, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejada,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

and

(3) Steven MARSHALL,

defendants herein, did knowingly and intentionally possess with the intent to distribute and distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi) and Title 18, United States Code, Section 2.

COUNT THREE: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute and Distribution of 40 Grams or More of Fentanyl; Title 18, United States Code, Section 2 – Aiding and Abetting)

The Grand Jury further charges that:

On or about March 6, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejada,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a/ “E,”**

defendant herein, did knowingly and intentionally possess with the intent to distribute and distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi) and Title 18, United States Code, Section 2.

COUNT FOUR: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute and Distribution of 40 Grams or More of Fentanyl; Title 18, United States Code, Section 2 – Aiding and Abetting)

The Grand Jury further charges that:

On or about March 9, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

defendant herein, did knowingly and intentionally possess with the intent to distribute and distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi) and Title 18, United States Code, Section 2.

COUNT FIVE: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute and Distribution of 40 Grams or More of Fentanyl; Title 18, United States Code, Section 2 – Aiding and Abetting)

The Grand Jury further charges that:

On or about March 23, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejada,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

and

**(2) Miki Michael MOTA-BERNABEL,
a/k/a Michael Mora, a/k/a Angel Miguel Lara Jake,**

defendants herein, did knowingly and intentionally possess with the intent to distribute and distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi) and Title 18, United States Code, Section 2.

COUNT SIX: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute and Distribution of 40 Grams or More of Fentanyl)

The Grand Jury further charges that:

On or about April 4, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejada,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

defendant herein, did knowingly and intentionally possess with the intent to distribute and distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi).

COUNT SEVEN: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute 40 Grams or More of Fentanyl)

The Grand Jury further charges that:

On or about May 22, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

defendant herein, did knowingly and intentionally possess with the intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi).

COUNT EIGHT: (Title 21, United States Code, Section 841 – Possession with Intent to Distribute of 40 Grams or More of Fentanyl)

The Grand Jury further charges that:

On or about May 22, 2018, at New Bedford, in the District of Massachusetts, and elsewhere,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

defendant herein, did knowingly and intentionally possess with the intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi).

DRUG FORFEITURE ALLEGATION
(Title 21, United States Code, Section 853)

The Grand Jury further charges that:

1. Upon conviction of one or more of the offenses alleged in Counts One through Eight of the Indictment,

**(1) Hilario Yogey MOTA-BERNABEL,
a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda,
a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”**

**(2) Miki Michael MOTA-BERNABEL,
a/k/a Michael Mora, a/k/a Angel Miguel Lara Jake,**

and

(3) Steven MARSHALL,

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses; and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses. The property to be forfeited includes, but is not limited to, the following assets:

(a) United States Currency in the amount of \$12,395 seized from **(1) Hilario Yogey MOTA-BERNABEL, a/k/a Edgardo Torres-Hernandez, a/k/a Hector Tejeda, a/k/a Luis Rosa, a/k/a Edgar, a/k/a “E,”** on May 22, 2018, from his residence;
and

(b) United States Currency in the amount of \$4,000 seized from **(3) Steven Marshall.**

2. If any of the forfeitable property described in Paragraph 1 above, as a result of any act or omission of the defendants,

(a) cannot be located upon the exercise of due diligence;


- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in Paragraph 1 above.

All pursuant to Title 21, United States Code, Section 853.


A TRUE BILL


FOREPERSON OF THE GRAND JURY


Lauren A. Graber
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS;

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK

Dated: 6/13/18

@ 12:43 PM
6/13/18